

Date September 8, 2008

AUTHORIZATION TO AMEND AND EXTEND A 28E AGREEMENT WITH POLK COUNTY, IOWA AND THE NEIGHBORHOOD FINANCE CORPORATION TO JUNE 2012; AUTHORIZATION TO AMEND THE BIRDLAND BUY-OUT PROGRAM FUNDING AGREEMENT WITH THE NEIGHBORHOOD FINANCE CORPORATION TO FUND ACQUISITION COSTS OF ADDITIONAL PROPERTIES IN THE BIRDLAND AND FOUR MILE AREAS; AND APPROVAL TO PROCEED WITH ACQUISITION OF ADDITIONAL ELIGIBLE FLOOD DAMAGED PROPERTIES IN THE BIRDLAND AND FOUR MILE AREAS

WHEREAS, on July 14, 2008 by Roll Call No. 08-1274, the City Council authorized staff to submit an application for funds for Emergency Community Development Block Grant Funds from the Iowa Department of Economic Development for flood relief, including a voluntary acquisition program and assistance with residential home repair; and

WHEREAS, funding from the Iowa Department of Economic Development was not a feasible option due to the amount of time it would have taken to secure funds as well as the likelihood of limited funds being made available in Des Moines because of the major devastation in the eastern part of the state; and

WHEREAS, on July 28, 2008 by Roll Call No. 08-1376, the City Council approved a funding agreement with the Neighborhood Finance Corporation (NFC) in the amount of \$1,000,000 to fund the 2008 Flood Voluntary Acquisition program for the Birdland area, and authorized the voluntary acquisition of eligible properties; and

WHEREAS, the original analysis included nine properties eligible for voluntary acquisition in the Birdland area; however, further review by City staff has determined that a total of eleven properties in the Birdland area meet the eligibility requirements for the acquisition program; and

WHEREAS, the Four Mile area also sustained flooding and a recent feasibility analysis of flood damaged homes in the Four Mile area has determined that there are three properties that would be eligible for voluntary acquisition using the same program guidelines as approved for the Birdland area; and

WHEREAS, it is not feasible to rehabilitate the above-referenced flood damaged properties and it is important for these property owners to be able to acquire replacement housing and restore their lives to normal; and

WHEREAS, in order to accomplish the goals of the 2008 Flood Voluntary Acquisition Program for all eligible properties in the Birdland and Four Mile areas, the City and Neighborhood Finance Corporation need to amend the Birdland Buy-Out Program Funding Agreement to include an additional \$500,000.00 of funding that the Neighborhood Finance Corporation will provide to the City for the acquisition program; and

WHEREAS, the City further needs to extend the 28E Agreement with Polk County, Iowa and the Neighborhood Finance Corporation by an additional two years, through June 30, 2012, and amend said 28E Agreement to provide additional funding to Neighborhood Finance Corporation in the amount of \$166,667.00 each year for years ending June 30, 2010 through 2012, to help offset and

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replenish the funds provided by Neighborhood Finance Corporation for the amendment to the acquisition program.

NOW THEREFORE, BE IT RESOLVED that:

1. The City Manager is authorized and directed to negotiate and enter into an amended and extended 28E Agreement with Polk County, Iowa and the Neighborhood Finance Corporation, in form approved by the City's Legal Department, in order to extend the duration of the 28E Agreement by an additional two years, through June 30, 2012, and provide additional funding to Neighborhood Finance Corporation in the amount of \$166,667.00 each year for years ending June 30, 2010 through 2012.
2. The City Manager is authorized and directed to negotiate and enter into an amended Buy-Out Program Funding Agreement with the Neighborhood Finance Corporation, in a form approved by the City's Legal Department, to fund the acquisition costs of additional properties in the Birdland and Four Mile area.
3. If the property owners agree to convey the property to the City in accordance with the 2008 Voluntary Flood Acquisition Program, the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out these transactions and to pay any unforeseen additional costs certified by the Legal Department and the Engineering Department; the Real Estate Division Manager is authorized and directed to complete these transactions in accordance with standard real estate practices and state law requirements.
4. The Real Estate Division of the Engineering Department is directed to obtain the Legal Department's review and approval of all closing documents prior to closing.
5. The Mayor is authorized and directed to execute the Offer to Purchase and Warranty Deed and the City Clerk is hereby authorized and directed to endorse upon the Real Estate documents listed above the approval and acceptance of this Council and is further authorized and directed to deliver the aforementioned documents to the Real Estate Division Manager, who shall proceed to closing in accordance with standard real estate practices.

(Council Communication No. 08-550)

Moved by MahaFFEY to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
KIERNAN	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

T. M. Franklin
Mayor

Diane Rauh
City Clerk